

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Kathryn Boyles
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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Noc SAUCEDO-SAUCEDO

Case No. Case: 2:24-mj-30344
Assigned To : Unassigned
Assign. Date : 8/14/2024
USA V. SAUCEDO-SAUCEDO (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 1, 2024 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
8 U.S.C. § 1326(a), (b)(2)

Offense Description
Unlawful Re-entry after Removal from the United States Subsequent to an
Aggravated Felony Conviction

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: August 14, 2024

City and state: Detroit, Michigan



Complainant's signature

Michael Everson, BPA

Printed name and title



Judge's signature

Kimberly Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent employed with the United States Department of Homeland Security (DHS), United States Border Patrol (USBP). I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Noe SAUCEDO-SAUCEDO, an alien who has previously been convicted of an aggravated felony offense, to wit: criminal sexual conduct – attempt (3d degree) and was subsequently removed from the United States on or about July 6, 2023 at El Paso, Texas, and was thereafter found in the United States on or about August 1, 2024, without having obtained the express consent or permission from the Attorney General or the Secretary of the U.S. Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, §§ 1326(a), (b)(2).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include Border Patrol Agents, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to SAUCEDO-SAUCEDO. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

4. SAUCEDO-SAUCEDO is a thirty-four-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without being inspected and admitted or paroled by an immigration officer.
5. On or about December 19, 2007, SAUCEDO-SAUCEDO was arrested by Genesee County Sheriff's Department for felony sexual assault. On February 23, 2009, the 7th Circuit Court in Flint, Michigan convicted SAUCEDO-SAUCEDO with Criminal Sexual Conduct – 3d Degree - Attempt (Person 13-15), in violation of Michigan Compiled Laws (MCL) § 750.520d(1)(a), an aggravated felony offense. On April 20, 2009,

SAUCEDO-SAUCEDO was sentenced to 365 days in jail, \$500.00 in fines, and two years of probation.

6. On or about December 2, 2009, SAUCEDO-SAUCEDO was arrested by Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE-ERO) and processed for an administrative removal. During the encounter, SAUCEDO-SAUCEDO admitted to being a member of the Sureno gang from the ages of thirteen to sixteen. Immigration officials documented several gang tattoos on SAUCEDO-SAUCEDO's body related to the Sureno gang.
7. On December 22, 2009, SAUCEDO-SAUCEDO was removed from the United States to Mexico through Laredo, Texas.
8. On or about December 14, 2011, SAUCEDO-SAUCEDO was arrested by a Homeland Security Investigation (HSI) Agent working with the Oakland County Violent Gang Task Force in Pontiac, Michigan.
9. On June 5, 2012, SAUCEDO-SAUCEDO was convicted of Unlawful Reentry Following Removal, in violation of Title 8, United States Code, Section 1326(a), a felony offense. SAUCEDO-SAUCEDO was sentenced to twenty months confinement and a \$100 special assessment.
10. On or about June 11, 2013, SAUCEDO-SAUCEDO was removed from the United States to Mexico through Harlingen, Texas after his prior removal order was reinstated.
11. On or about October 14, 2022, SAUCEDO-SAUCEDO was arrested by U.S. Border Patrol Agents at or near Santa Teresa, New Mexico. His prior order of removal was reinstated.
12. On or about July 5, 2023, SAUCEDO-SAUCEDO was convicted of Unlawful Reentry Following Removal, subsequent to a conviction for an aggravated felony offense, in violation of Title 8, United States Code, Sections 1326(a) and (b)(2). SAUCEDO-SAUCEDO was sentenced to time served for no more than 265 days confinement.
13. On or about July 6, 2023, SAUCEDO-SAUCEDO was removed from the United States to Mexico through El Paso, Texas.

14. On or about April 2024, while investigating another matter, Border Patrol Agents at the Detroit Field Station became aware of SAUCEDO-SAUCEDO's presence in the United States and determined he resided at an address in Waterford, Michigan.
15. On August 1, 2024, Border Patrol Agents from the Border Patrol Detroit Station Alien Smuggling Unit (ASU) performed surveillance at an address known to be associated with SAUCEDO-SAUCEDO. At approximately 6:30 hours, Agents observed SAUCEDO-SAUCEDO leave the residence, enter a burgundy BMW, and drive away. Agents followed the vehicle for several miles until they were able to positively identify SAUCEDO-SAUCEDO as the driver of the vehicle.
16. At approximately 6:45 hours, uniformed Agents driving a marked Border Patrol vehicle activated the emergency lights, and the BMW pulled into a business parking lot. Agents approached SAUCEDO-SAUCEDO's driver-side window and identified themselves as Border Patrol Agents.
17. Almost immediately, SAUCEDO-SAUCEDO became verbally combative with the Agents by cursing them and refusing to comply with the Agents' instructions to roll down the driver's side window, shut off the engine to the car, and keep his hands in plain sight.
18. SAUCEDO-SAUCEDO refused to answer Agents' questions or to comply without local police officers conducting law enforcement activities. The Bloomfield Hills, Michigan Police Department was dispatched and arrived on scene. SAUCEDO-SAUCEDO identified himself as his brother, Juan Carlos Saucedo, cracked his driver-side window an inch, and presented the Bloomfield Hills police officers with a valid Michigan driver's license bearing that name. SAUCEDO-SAUCEDO refused all other orders from Bloomfield Hills police officers.
19. When retrieving his wallet for identification, Agents observed SAUCEDO-SAUCEDO slide a card out of the wallet, which appeared to be a Mexican Voter Identification card, and drop it to the floor of the vehicle near his feet. When Agents asked SAUCEDO-SAUCEDO to provide them with the dropped card, he refused. This card was later seized and determined to be a Mexican Voter Identification card bearing SAUCEDO-SAUCEDO's true

and correct identifying information.

20. Border Patrol Agents asked SAUCEDO-SAUCEDO to exit the vehicle and he said, "no." Given that SAUCEDO-SAUCEDO continued to refuse to comply with Agents' commands, an Agent broke the driver's side window with the buttend of a collapsible steel baton to gain access to SAUCEDO-SAUCEDO and arrest him.
21. SAUCEDO-SAUCEDO resisted being removed from the vehicle by tensing his body and attempting to pull away. Once removed from the vehicle, Agents placed SAUCEDO-SAUCEDO face down to handcuff him. SAUCEDO-SAUCEDO continued to resist arrest by violently shaking his head back and forth while an Agent secured his arms behind his back.
22. Following a first aid evaluation and him declining any further medical attention at a hospital, SAUCEDO-SAUCEDO eventually admitted to Agents that he was Noc SAUCEDO-SAUCEDO.
23. Border Patrol Agents transported SAUCEDO-SAUCEDO to the Detroit Border Patrol Station for processing. The arrest and subsequent detention of SAUCEDO-SAUCEDO was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
24. SAUCEDO-SAUCEDO'S fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that SAUCEDO-SAUCEDO is a native and citizen of Mexico who has been previously removed from the United States.
25. A review of SAUCEDO-SAUCEDO's immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that SAUCEDO-SAUCEDO did not obtain the express permission or consent from the Attorney General of the United States or the Secretary for the U.S. Department of Homeland Security to reapply for admission to the United States following his removal on July 6, 2023.

26. On August 1, 2024, Border Patrol Agents served SAUCEDO-SAUCEDO with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order of Removal.

CONCLUSION

27. Based on the above information, I respectfully submit that there is probable cause to conclude that Noe SAUCEDO-SAUCEDO is an alien who has previously been convicted of an aggravated felony offense and subsequently removed from the United States on or about July 6, 2023 at El Paso, Texas and was thereafter found in the United States on or about August 1, 2024 in the Eastern District of Michigan, without first having obtained the express consent or permission of the Attorney General of the United States or the Secretary of the U.S. Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code §§ 1326(a), (b)(2).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: August 14, 2024